

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection present in the outstanding Office Action in light of the following remarks.

In the Office Action dated November 16, 2005, pending Claims 1-13 were rejected and the rejection made final. Of these claims, Claims 1, 5, 7, and 11 are independent claims; the remaining claims are dependent claims. Applicants intend no change in the scope of the claims by the changes made by any amendments. It should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 1-13 stand rejected under 35 USC § 102(e) as being anticipated by Glorikian. Reconsideration and withdrawal of this rejection is respectfully requested.

The present invention broadly contemplates, in accordance with at least one presently preferred embodiment, communicating inferred information to a wireless communication device user. (Page 24, lines 2-3) Thus, the present invention offers the feature of providing a wireless communication device user with information pertinent to the current position of the user, information pertinent to the time of day at the location of the user, and information pertinent to (one or more) preferences of that user. (Page 4, lines 11-17; Page 13, lines 10-13) Preferences may be established by, for example, a user providing preference information or by tracking user selections over time to determine

Atty. Docket No. 696.004

preference through historical trends. (Page 13, lines 13-15) Inferences in accordance with the present invention may also be made on information actively used by others in the local area and/or information acted upon by others at a time proximate to the current time. (Page 13, lines 20-22) For example, if there is an accident, drivers in the local area may be providing information about alternate routes. Inferring a hidden surge in demand, the alternative route information may be automatically pushed, or provided to, any customer who is approaching the local area. (Page 13, lines 22-26) Thus, the present invention assists a wireless communication device user in obtaining information of interest to the user.

The prior remarks about Glorikian are equally applicable here. As best understood, Glorikian is directed to "providing information to ... clients based on the [tracked geographical location of clients]" (Col. 1, lines 10-11), or in other words, "a system for delivering position-related information from a data repository to a user". (Col. 2, lines 8-10) When information is pushed to the user in Glorikian, "[i]t is left up to the [user] to determine the access." (Col. 10, lines 53-54) As explained with respect to the information provided about restaurants, "at lunch time, or when hunger strikes, the [user] may simply access the cache and peruse a short list of local lunch establishments." (Col. 10, lines 54-57) While Glorikian may indiscriminately communicate information potentially of interest to a user of a wireless communication device based solely on the geographical position of the user's wireless device, there simply is no teaching or suggestion of communicating inferred information as in the present invention.

In the outstanding Office Action, it is asserted that Glorikian teaches that information may be selected around geographic position and relative to time era. However, the instant invention uses the current time at the location of the user to determine the information that is sent, not a user's choice of time era. Further, the Action asserts that Glorikian teaches "a vary great variety of information shells and granularity relative to geographic position, time frame, and real time that may be organized and made available to clients" (column 7, lines 11-15). Prior to this statement, and further, apparent throughout the disclosure of Glorikian, there is no mention of using the current real-time to determine what information to push through to the user. Rather, Glorikian mentions that geographic position, the mobile device of the user, the rate of change of direction and position, and user choices such as time era, is used to determine what information to push to the user. There is no mention of information being pushed to the user depending on the current real-time at the location of the wireless device.

This is embodied in the choices of examples used by Glorikian. Specifically, Glorikian uses an example of the user choosing to access restaurant advertisements during lunch time, but explicitly does NOT include an example of such information being pushed to the user during a period such as lunch time or dinner time. As aforementioned with respect to the information provided about restaurants, Glorikian states "at lunch time, or when hunger strikes, the [user] may simply access the cache and peruse a short list of local lunch establishments." (Col. 10, lines 54-57). However, in the present invention, the user does not have to initiate contact with the restaurant cache; rather, the system will be able to disclose which stores and restaurants are open at the time that the

Atty. Docket No. 696.004

user is in his/her current location (page 21, paragraph 0058). As is apparent, there is no teaching or suggestion in Glorikian that time information at the location of the wireless device is used to infer a likely interest of user in the information, or that such time information is used to determine what information is pushed to the user.

Independent Claim 1 recites **determining information potentially of interest to the user from the location and the time at the location of the wireless device, inferring a likely interest of the user in the information; and transmitting data related to the inferred interest to the wireless device.** Independent Claim 7 recites **reviewing said location-based and time-based information in consideration of said approximate location to determine information which is potentially of interest to said user and using an optionally determined need to generate a recommendation of said information to be transmitted to said user.**

A further major distinction between Glorikian and the instant invention involves the filtering of information pushed to the user. For example, there is no disclosure in Glorikian of using or ascertaining time at the location of the wireless device to filter the information presented to a user by “inferring a likely interest” or “using an optionally determined need”. Further, there is no teaching or suggestion of Glorikian utilizing a profile of preferences of the user to infer the interests of the user. The profile which is mentioned in the outstanding Office Action refers to a profile of the user pertaining to the user’s mobile device. (column 6, lines 40 -55). This is in stark contrast to the instant invention, in which the user profile pertains to user preferences, and can be ascertained by observing the trends of user behavior, specifically through trends in the selections of the

Atty. Docket No. 696.004

user. Independent Claim 11 recites utilizing a profile of preferences of the user to infer the interest of the user. Additionally, Glorikian lacks this feature, as the reference does not disclose filtering of information made available about an individual to obtain information to push to a user's wireless device, as would be necessary in the present invention. In a telephone interview conducted August 26, 2004 between Applicants' counsel and one of the inventors, Kannan Srinivasan, with the Examiner, it was agreed the Glorikian reference does not disclose filtering of information made available to an individual.

It is thus respectfully submitted that Glorikian clearly falls short of present invention, as defined by the independent claims. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

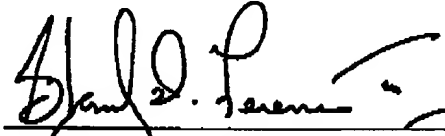
In view of the foregoing, it is respectfully submitted that Claims 1, 5, 7, and 11 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 5, 7, and 11, it is respectfully submitted that Claims 2-4, 6, 8-10, and 12-13 are also presently allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-13, are presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Atty. Docket No. 696.004

Applicants' undersigned attorney would welcome further discussion with the  
Office in the event there are any further issues in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

Stanley D. Ference III  
Registration No. 33,879

**Customer No. 35195**  
**FERENCE & ASSOCIATES**  
409 Broad Street  
Pittsburgh, Pennsylvania 15143  
(412) 741-8400  
(412) 741-9292 - Facsimile

Attorneys for Applicants